UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

REGINA MOORE,)	
)	
Plaintiff,)	
)	
v.)	No. 3:09mc0114
)	Judge Echols
DEBBIE MCLINTOCK, ET AL.,)	
)	
Defendants.)	

MEMORANDUM

The plaintiff, proceeding *pro se* and *in forma pauperis*, is a resident of Clarksville, Tennessee. The plaintiff brings this action under the Privacy Act, 5 U.S.C. § 552a, naming Debbie McLintock and Ramblewood Apartments Ltd. as defendants. The plaintiff seeks money damages only.

Owing to its brevity, the statement of the plaintiff's claim is quoted below in its entirety.

Debbie McLintock has given information about my personal business to several people.

Ramblewood Apts. Ltd. has in their employment Debbie McLintock and has no[t] stopped her from violating the Privacy Act.

(Docket Entry No. 1, ¶ 4, p. 2).

Pro se complaints are to be construed liberally by the court. See Boag v. McDougall, 454 U.S. 364, 365 (1982). However, the court is required to dismiss a complaint brought by a plaintiff proceeding in forma pauperis "at any time the court determines" that the complaint is frivolous, malicious, or fails to state a claim on which relief may be granted. 28 U.S.C. §§ 1915(e)(2)(B)(i)-(ii). A complaint is frivolous and warrants dismissal when the claim "lacks an arguable basis in law or fact." See Neitzke v. Williams, 490 U.S. 319, 325 (1989). A complaint

lacks an arguable basis in law or fact if it contains factual allegations that are fantastic or delusional, or if it is based on legal theories that are indisputably meritless. *Id.* at 327-28; *Brown v. Bargery*, 207 F.3d 863, 866 (6th Cir. 2000); *see also Lawler v. Marshall*, 898 F.2d 1196, 1198-99 (6th Cir. 1990).

A cause of action is available under the Privacy Act only against an agency of the United States. *See Windsor v. The Tennessean*, 719 F.2d 155, 159-60 (6th Cir.1983). Neither defendant is a federal agency. Consequently, the Privacy Act does not pertain to them. Because the plaintiff's claims against the defendants lack an arguable basis in law or fact, the complaint will be dismissed as frivolous.

An appropriate Order will be entered.

Robert L. Echols

United States District Judge